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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF THE APPLICATION OF:	Administrative Action
:	:
Barry L. Litt, D.M.D.	CONSENT ORDER OF
License No. DI 1496400	REINSTATEMENT
:	:
FOR REINSTATEMENT OF LICENSURE TO	:
PRACTICE DENTISTRY IN THE STATE OF	:
<u>NEW JERSEY</u>	:

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Barry L. Litt, D.M.D. ("respondent"), seeking to reinstate his license to practice dentistry in the State of New Jersey. Respondent's license to practice dentistry in New Jersey expired on October 31, 1986 and has not been renewed. As a result, respondent's license has been and is currently suspended, without a hearing, by application of N.J.S.A. 45:1-7.1(b). Respondent stated that he has never practiced in New Jersey since his license expired.

The licensing history pertaining to respondent also includes the suspension of his New York license to practice dentistry by New York State Education Department, Division of Professional

Licensing Services on June 26, 2007 for a period of five years with the last two (2) years stayed, and a monetary penalty of \$10,000.00. The suspension was based on respondent's guilty plea to one count of Health Care Fraud, a felony under 18 United States Code sections 1347 and 2 in the United States District Court on April 6, 2006. Respondent admitted that in or about January 1998 through about October 2004, he engaged in the submission of false reimbursement claims to the New York State Medicaid program and various insurers which asserted he performed periodontal scaling and root planing (PSRP) when in fact, he only performed scaling and prophylaxis cleaning. On April 6, 2006, the United States District Court ordered respondent to pay \$245,708.86 in restitution and he was sentenced to three and one half (3½) years probation to include a period of "community confinement" which allowed him to go to work.

On or about July 28, 2011, respondent applied for the reinstatement of his New Jersey license. In support of his reinstatement application, he provided a letter of explanation dated November 8, 2011, a letter from the New York State Education Department certifying active licensure from June 13, 2011 through June 30, 2013, a Certificate of Relief from Disabilities in New York State dated June 16, 2009 (to hold a State license), judgment of conviction dated April 10, 2006, standard conditions on probation, and proofs of continuing dental education.

On December 7, 2011, respondent appeared without counsel at an investigative inquiry before the Board. Respondent stated that his New York license to practice dentistry was fully restored on July 10, 2010. In January 2011, he resumed his dental practice in Ulster County, New York. He expressed a desire to practice in Bergen County, New Jersey which is close to where he lives in Rockland County, New York.

With regard to the health care fraud conviction, respondent testified that "for a stupid reason like trying to get the scalings done like that I just gave up everything, I lost my practice, I lost every thing, I lost respect, and there is no reason in the world why I'd ever do anything so stupid like that again... I can't possibly ever see myself doing something like this again. I did it the first time, but I've certainly learned." Respondent testified he has paid about \$100,000 in restitution and will continue to pay court ordered restitution of \$800 a month for the next 19 years.

Having reviewed the entire record, including respondent's testimony, the Board finds that his conviction provides basis for disciplinary action pursuant to N.J.S.A. 45:1-21(f) and (k) for conviction relating adversely to the activity regulated by the Board and for the submission of false reimbursement claims. However, it appears to the Board that respondent has now demonstrated sufficient rehabilitation, fitness and ability to

practice dentistry. The Board finds this Order is adequate to protect the health, safety and welfare of the public and that good cause exists for entry of this Order;

IT IS ON THIS 22nd DAY OF February 2012

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for his conduct that resulted in his conviction for Health Care Fraud in New York in 2006 in violation of 18 United States Code §§ 1347 and 2 and New York State Education Law section §6509(5)(a)(ii) and which provides basis for discipline pursuant to N.J.S.A. 45:1-21(f).

2. Respondent's license shall be reinstated upon his compliance with all administrative issues related to reinstatement, including proof of continuing education, payment of applicable fees for his license and his CDS registration.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Herbert B. Dolinsky, D.D.S.
Herbert B. Dolinsky, D.D.S.
President

I have read and I understand the terms of this Order and agree to be bound by it. I consent to the entry of this Order.

Barry L. Litt
Barry L. Litt, D.M.D. D.O.S.
Date: